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MAILED

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OFFICE OF PETITIONS

In re Patent of Suyker et al.	:	
Patent No. 7,666,198	:	
Issue Date: February 23, 2010	:	Decision on Petition
Application No. 10/805,714	:	
Filing Date: March 22, 2004	:	
Attorney Docket No. DVME-1003USDIV4	:	

This is a decision responding to the "Request for Reconsideration of Dismissal of Request for Recalculation of Patent Term Adjustment in View of Wyeth" filed April 27, 2010, which is being treated as a petition under 37 C.F.R. § 1.181.

The petition is **dismissed**.

The Office mailed an "Issue Notification" on February 3, 2010. The notification indicated the patent would issue on February 23, 2010, and include a patent term adjustment of 537 days.

A "Request for Recalculation of Patent Term Adjustment in View of *Wyeth*" form and a corresponding instruction form were filed February 16, 2010. The instruction form stated in bold, "Do not use form if the application has been allowed, but not yet issued as a patent."

The patent issued February 23, 2010.

The Office issued a decision dismissing the February 16, 2010 request on April 21, 2010.

The instant petition was filed April 27, 2007.

The Office has reviewed the record and determined the decision mailed April 21, 2010, properly dismissed the February 16, 2010. Specifically, the February 16, 2010 request was untimely because the request was filed prior to issuance of the patent.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are NOT permitted.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', with a stylized flourish at the end.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions